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AUG 31 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Peter B. Rim, et al

Docket: H0006488-4820

Serial Number: 10/718,467

Group Art Unit: 1771

Filed: November 20, 2003

Examiner: Andrew T. Piziali

For: PROTECTIVE FABRICS

FAX COVER SHEET

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

FAX NO.: (571) 273-8300

FROM: Richard S. Roberts
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KINDLY DIRECT THIS COMMUNICATION TO:

EXAMINER : Andrew T. Piziali
GROUP : 1771

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner For Patents

P.O.Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed August 22, 2005 applicant makes the following election in response to the election of species requirement.

REMARKS

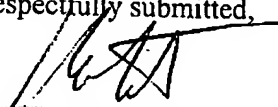
The Examiner has subjected this application to an election of species requirement under 35 U.S.C. 121. The Examiner has formed four species, Species 1 drawn to a composite textile article or method wherein each sheet of an outer textile fabric is liquid impermeable; Species 2 drawn to a composite textile article or method wherein each sheet of an outer textile fabric is liquid permeable; Species 3 drawn to a composite textile article or method wherein the front sheet of outer textile fabric is liquid impermeable and the rear sheet is liquid permicable; and Species 4 drawn to a composite textile article or method wherein the front sheet of outer textile fabric is liquid permeable and the rear sheet is liquid impermeable. The Examiner has asserted that these species represent

distinct inventions and may properly be subject to election. Applicants hereby provisionally elect Species 1 for examination. However, the election of species requirement is traversed. It should be noted, the Commissioner may statutorily require the election of species "If two or more independent and distinct inventions are claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made.

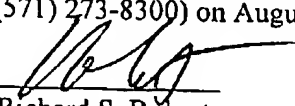
The Examiner's attention is directed to 37 C.F.R. 1.141(b) where allegedly different classes of inventions may be included and examined in a single application provided they are so linked as to form a single inventive concept. It is submitted that the examiner is drawing too fine a line of distinction between the allegedly different species. For these reasons it is respectfully urged that the election of species requirement be rescinded.

It is believed that the following claims read on the elected species: 1-6, 8-25; 28-34; of which claims 1-5, 9, 11-25 and 31-34 appear to be generic and claims 8, 10, 28 and 30 specifically require each sheet of an outer textile fabric to be liquid impermeable.

Respectfully submitted,


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Date: August 31, 2005

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. (571) 273-8300) on August 31, 2005


Richard S. Roberts
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